

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2013-00028, to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw, at 62 Taylor Street (Map 14B, Parcel 74, R-G Zoning District), with the following conditions:

Use

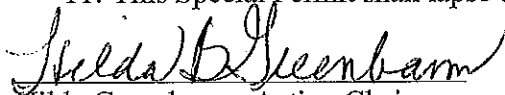
1. The two units shall be used in accordance with the floor plans which depict a two bedroom unit on the first floor and a three bedroom unit on the second floor:
 - a. There shall be no more than one individual in each bedroom, in each unit, as defined under Section 12.162 of the Zoning Bylaw. This limitation does not apply to families as defined under Section 12.161 or 12.163.
 - b. The use of the third floor (attic) by tenants is prohibited. The door to the attic shall be locked and be for the owner's use only.
 - c. Any future changes to the interior layout to provide additional bedrooms shall be considered an expansion of the use and require modification of this permit.
2. New evergreen plants shall be installed adjacent to the east side of the driveway. The shrubs shall be a minimum of three feet in height at the time of planting and shall be installed before December 21, 2013. Once installed, the shrubs shall be continuously maintained and replaced as necessary.
3. The existing landscaping on the property, as shown on the submitted photographs, shall be maintained in good repair. The landscaping shall be continuously maintained and replaced as necessary.
4. The exterior of the building shall be maintained in good repair.
5. The use shall be managed in accordance with the Management Plan and Complaint Response Plan, stamped approved by the Zoning Board of Appeals.

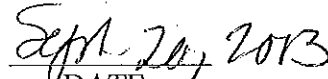
Parking

6. There shall be no more than three vehicles parked on the property on a regular basis. The final lease agreements for each unit shall contain language restricting the number of vehicles accordingly.
7. Parking shall occur in accordance with the Site Plan prepared by James Smith, dated July 8, 2013, and all parking shall occur on paved surfaces. Improvements, such as a top coat of gravel and edge demarcation shall be completed before December 21, 2013.
8. The gravel driveway and parking areas shall be maintained seasonally or more often if needed in order to:
 - a) prevent significant ruts and/or vegetation within the gravel area and,
 - b) to maintain a distinct edge between the gravel and any lawn or landscaped areas.

Ownership/Review

9. This property shall be registered under the Amherst Residential Rental Property Bylaw, as amended. Loss or suspension of a rental permit shall constitute a violation of this condition.
10. 18 months from the filing of the decision with the Town Clerk, the owner, or the owner's representative, shall appear before the Zoning Board of Appeals at a public meeting. The purpose of the public meeting shall be for the Board to review compliance with the conditions of the permit.
 - a. In advance of the meeting, the owner shall be responsible for providing notification to abutters in accordance with Town procedures for notice under Chapter 40A, Section 11. This may require the owner to obtain a Certified List of Abutters and provide a minimum of two week public notice.
11. This Special Permit shall lapse upon any change in ownership of the subject property.


Hilda Greenbaum, Acting Chair
Amherst Zoning Board of Appeals


DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Katrin Verclas, 62 Taylor Street, Amherst, MA, 01002

Date application filed with the Town Clerk: May 23, 2013

Nature of request: For a Special Permit to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw

Address: 62 Taylor Street (Map 14B, Parcel 74, R-G Zoning District)

Legal notice: Published on June 12, 2013 and June 19, 2013 in the Daily Hampshire Gazette and sent to abutters on June 12, 2013

Board members: Hilda Greenbaum, Tom Ehrgood, Mark Parent

Staff members: Jeff Bagg, Senior Planner, Robert Morra, Building Commissioner

Submissions:

- | | |
|---|--|
| 1. Project Application Report, dated June 21, 2013 | 8. Aerial photograph |
| 2. Application, filed with the Town Clerk on May 12, 2013 | 9. Planning Department, Preliminary Review, June 4, 2013 |
| 3. Management Plan form, with additional information for apartments | 10. Applicant Memorandum, June 20, 2013 |
| 4. Building and Landscape Plan | 11. Planning Department, Review of Existing, June 21, 2013 |
| 5. Lighting Plan | 12. Planning Department, Review of Proposed, June 21, 2013 |
| 6. Floor Plans | 13. Deed, book 10383 page 301 |
| 7. Lease | 14. Harbison, 70 Taylor Street, email |

Site Visit: June 26, 2013

Hilda Greenbaum, Tom Ehrgood, and Keith Langsdale met the applicant's real estate broker, Judy Rivard, onsite. The Board members observed the location of the property on the north side of Taylor Street, and the following:

- The location of the shared driveway and existing parking areas along the north side of the property. The area to the east side of the driveway where evergreens were recently removed. A steep drop-off on the east side of the parking area was noted.
- The interior of the building containing a two bedroom apartment on the first floor and a three bedroom on the second floor. The Board observed the third floor attic space containing a bed.
- The existing landscaping around the building.

Public Hearing: June 27, 2013

The applicant, Katrin Verclas, described the proposal in terms of the submitted materials, summarized as follows:

- She has owned and resided on the property for eight years. She will be moving to Washington D.C. and the new changes to the Zoning Bylaw require her to obtain a Special Permit in order to rent the second floor apartment.
- The first floor unit is a two bedroom unit and the second floor unit is a three bedroom unit, as shown on the submitted floor plans. The third floor attic will not be available for the tenants and will be used for the owner's personal storage.
- No changes to the site are required for the change in use. The existing mature landscaping on the property and around the dwelling will be maintained; however, a row of mature evergreen shrubs, damaged in last winter's weather, was removed from the east side of the driveway.
- The site contains parking for three vehicles requiring a waiver to allow one fewer space than is required under Section 7.0000.
- The neighborhood consists of a mix of owner occupied and non-owner occupied single and two family dwellings.
- A Management Plan has been submitted which outlines trash storage and removal, snow removal, and landscape maintenance. Additionally, she has identified her former husband, Thomas Knight, as the agent responsible for responding to tenant issues and maintenance in each unit.
- She noted that the property is currently listed on the market as for sale and that she has turned down offers from investors. She is applying for the Special Permit to allow the unit to be rented while the property is being listed. She stated that she isn't sure if she will sell it or continue renting it, but that she understands that a new Special Permit will be required if the property is sold.

The following members of the public spoke regarding the proposal:

- Stephen Schreiber, 100 High Street, expressed concern that allowing another property to become non-owner occupied will continue to change the character of the neighborhood. He expressed concern with the demand for parking on Taylor Street and that vehicles are parked often on both sides of the narrow side street.
- Edwin Wilfert, 48 Gray Street, expressed concern with the changing character of the neighborhood and noted that there have been many conversions in the area. He expressed concern with vehicle maneuverability and the need for tenants to have to back onto Taylor Street.
- Margaret Bruzelius, 105 Gray Street, stated that there is a marked difference in the condition of properties with resident owners as compared to non-owner occupied properties. She expressed concern that another non-owner occupied property could continue a shift from an owner occupancy neighborhood to non-owner occupied neighborhood.

The Board read the letter submitted by Sherrill Harbison, 70 Taylor Street, owner of the abutting property to the east. In summary, the letter states that despite general concerns, if the number of vehicles is limited to three, she would find the proposal acceptable.

The Board discussed the need for a more formal parking plan and/or a survey which confirms the number of parking spaces available. Ms. Greenbaum expressed concern about the significant sloping drop off immediately adjacent to the parking area and noted that it probably was not a safety issue until the mature evergreen shrubs were removed.

The Board discussed the need for a more robust Management Plan and complaint response plan.

Ms. Greenbaum MOVED to continue the public hearing to August 27, 2013. Mr. Langsdale seconded the motion and the Board VOTED unanimously to continue the public hearing.

Public Hearing: August 27, 2013

The following new information was submitted:

- Site Plan, prepared by James Smith, dated July 8, 2013
- Complaint Response Plan
- Lease agreement

Ms. Verclas explained that the parking plan shows adequate space for three vehicles and understood that the permit may limit the number of vehicles to three. The Board discussed whether the parking was adequate and whether it needed to be delineated. Mr. Morra explained that he is interpreting the provisions of Section 7.104 to require the edges of parking areas of four or fewer cars be delineated but that the requirement for individual spaces to be delineated is required for five or more spaces. He noted that in parking areas of four or fewer spaces it is important to ensure that the edges of gravel parking areas be maintained especially in the spring after snow plowing.

Ms. Verclas explained that the complaint response plan identified two persons to contact for any complaints associated with the property. The Board determined that this was adequate given the limited number of tenants on the property.

Mr. Ehrgood MOVED to close the evidentiary portion of the public hearing. Mr. Langsdale seconded the motion and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board discussed the following conditions:

- *Review of permit* – The Board noted the provision in the Bylaw allowing for a review period and determined that it would be useful to gauge the management of the property in the future. The purpose is for the Board to review compliance with conditions related to number of tenants, parking, and other matters and that abutters will be informed of the meeting.
- *Limit on tenants* – The Board discussed with the applicant a limitation on the number of tenants. The applicant stated that she did not intend to rent to four people in each unit and would accept the limitation. The Board discussed the fact that lease provisions could limit the number of vehicles but determined that a limitation on the number of tenants would be based on one person per bedroom (two people on in the first floor unit; three people in the second floor unit) due to the lack of available parking on-site.
- *Landscaping* – The applicant provided a copy of the contract for proposed landscape maintenance and driveway improvements which the Board determined fulfilled the requirement for a “landscape plan” since adequate landscaping already exists. . However, the Board determined that this permit shall require the replacement of evergreen shrubs on the east side of the driveway and that this should be completed by the end of this winter.
- *Use of attic* – The Board determined that the attic shall not be used by tenants. A condition should require that the attic be unavailable for use by tenants but may be used for storage by the owner.

- *Parking waiver* – The Board also waived the requirement for two parking spaces under Section 7.90 because Taylor Street is within walking distance to the schools and downtown as well as public transportation.

Specific Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - *The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.* The proposal is suitably located in the neighborhood because the change in use, its operation and management require no interior or exterior changes. Also, the neighborhood consists of a mix of owner occupied and non-owner occupied single family and multi-family residences.

10.382 & 10.383 - *The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians.* The proposal complies with these requirements for the following reasons:

- No changes to the exterior, such as lighting or parking, are required for the use.
- The parking onsite will be limited to three vehicles and number of tenants will be limited to one per bedroom (five individuals total).
- Documentation that appropriate management of the property will be provided and a compliant response plan has been approved.

10.385 & 10.393 - *The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaries, light shields, lowered height of light poles, screening, or similar solutions.* The proposal does not involve the addition of any new exterior lights. Trash receptacles and trash storage are provided within an enclosed shed.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.* The Board waived the number of parking space from the required four to three, pursuant to Section 7.9, based on site design. Specifically, the property cannot reasonably accommodate more than three vehicles under existing conditions. The Board determined that a condition limiting the number of vehicles to three, accompanied by limitations in the lease, and the overall limit of five individual tenants were sufficient reasons to reduce the required parking to three vehicles. Additionally, the board found that the location of the property close to downtown and bus service could accommodate tenants who do not have vehicles.

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.* The proposal provides for a designated dumpster storage area and waste oil storage area with the necessary clearance for pickup.

10.392 - *The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.* The proposal provides for adequate residential landscaping around the existing two family dwelling. Additionally, new evergreen shrubs will replace the recently removed shrubs on the east side of the drive to both delineate and screen the parking.

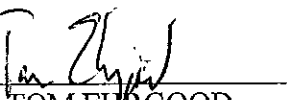
10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal involves the change from an owner occupied to non-owner occupied two family dwelling. The Board finds that the proposal provides for small, well managed rental units in areas of mixed housing types. The proposal is in harmony with the Master Plan goals of "encouraging a mix of housing types, sizes, and prices" and "preferentially directs future development to existing built-up areas".

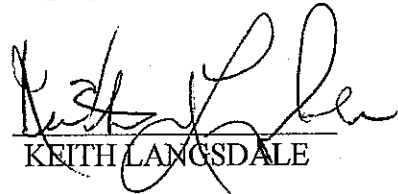
Public Meeting – Zoning Board Decision

Mr. Ehrgood MOVED to approve the application with conditions. Mr. Langsdale seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2013-00028, to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw, at 62 Taylor Street (Map 14B, Parcel 74, R-G Zoning District), with conditions.


HILDA GREENBAUM


TOM EHrgOOD


KEITH LANGSDALE

FILED THIS 23rd day of September, 2013 at 10:30
in the office of the Amherst Town Clerk Vandria J. Binger
TWENTY-DAY APPEAL period expires, October 13th, 2013.
NOTICE OF DECISION mailed this 23rd day of September, 2013
to the attached list of addresses by Jeffrey R. Bay, for the Board.
COPY OF NO APPEAL issued this _____ day of _____, 2013.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2013,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Katrin Verclas

For Special Permit, ZBA FY2013-00028, to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw

On the premises of 62 Taylor Street
At or on Map 14B, Parcel 74, R-G Zoning District

NOTICE of hearing as follows mailed (date) June 12, 2013
to attached list of addresses and published in the Daily Hampshire Gazette
dated June 12, 2013 and June 19, 2013

Hearing date and place June 27, 2013 & August 27, 2013 (Town Hall)

<p style="text-align:center">PUBLIC HEARING</p> <p>The Amherst Zoning Board of Appeals will meet on *Thursday, June 27, 2013*, at 6:30 P.M. in the TOWN ROOM, Town Hall, to conduct the following business: ZBA FY2013-000028 – Katrin Verclas – For a Special Permit to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw, at 62 Taylor Street (Map 14B, Parcel 74, R-G Zoning District) ERIC BEAL, CHAIR AMHERST ZONING BOARD OF APPEALS June 12, 19</p> <p style="text-align:left">3260901</p>
--

SITTING BOARD and VOTE TAKEN:

A Special Permit to change the use of an existing owner occupied two family dwelling to a non-owner occupied two family dwelling under Section 3.3211 of the Zoning Bylaw, with conditions

Hilda Greenbaum – Yes Tom Ehrgood – Yes Keith Langsdale – Yes

DECISION: APPROVED with conditions as stated in permit

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Katrin Verclas
Address 62 Taylor Street
City or Town Amherst, MA 01007

Identify Land Affected: 62 Taylor Street
(Map 14A, Parcel 74, R-G Zoning District)

By the Town of Amherst Zoning Board of Appeals affecting the rights of the owner
with respect to the use of the premises on

62 Taylor Street Amherst
Street City or Town

The record of title standing in the name of
Katrin Verclas
Name of Owner

Whose address is 62 Taylor Street Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 10383 Page 301
or
Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____
The decision of said Board is on file, with the papers, in ZBA FY2013-00028
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Shadi G. Benbani Chairman
(Board of Appeals)
[Signature] Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____

Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

Parcel ID	Parcel Address	Owner1	Owner2	Address	City/Zip
11D-145	4 CLIFTON AVE	DENYSE, DIANA		4 CLIFTON AVE	Amherst, MA 01002
14B-71	47 GRAY ST	WENNEMYR, MAGNUS L		47 GRAY ST	AMHERST, MA 01002
14B-17	48 GRAY ST	WILFERT JR, EDWIN W		48 GRAY ST	AMHERST, MA 01002
14B-72	55 GRAY ST	DEVINE, THOMAS F & VIRGINIA A		70 SOUTH MAIN ST	SUNDERLAND, MA 01375
14B-73	61 GRAY ST	NIELSEN, NIELS & TERESA J		80 MIDDLE ST	AMHERST, MA 01002
14B-16	62 GRAY ST	ST HILAIRE, ALAN P. & CHRISTINA CARRERA		4 HAWKINS MEADOW DR	HADLEY, MA 01035
11D-106	78 GRAY ST	JANSE, STEPHEN D		78 GRAY ST	AMHERST, MA 01002
11D-117	83 GRAY ST	REGISH, JOHN P		8 RIVER DR	HADLEY, MA 01035
11D-107	86 GRAY ST	DICARLO, BONNI & ROBERT		86 GRAY ST	AMHERST, MA 01002
11D-116	91 GRAY ST	HANKE, MICHAELA & MARSHALL, ANN W.		91 GRAY ST	AMHERST, MA 01002
11D-108	94 GRAY ST	O'CONNELL, KILLIAN R		610 STATION RD	Amherst, MA 01002
11D-115	97 GRAY ST	CHERNOFF, MICHAEL L & JAYMIE W		97 GRAY ST	AMHERST, MA 01002
11D-109	100 GRAY ST	HASHEMI, ABOLHASSAN & ZOHREH		560 MIDDLE ST	AMHERST, MA 01002
11D-114	105 GRAY ST	LEIGHT, PETER W & BRUZELIUS, MARGARET		105 GRAY ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
14B-83	HIGH ST	EAST PLEASANT ST PARTNERS LLC	C/O EAGLE CREST PROPERTY MNGMT	55 NORTH PLEASANT ST	Amherst, MA 01002
14B-82	42-46 HIGH ST	BARBARO, JOHN A & SUSAN T		46 HIGH ST	AMHERST, MA 01002
14B-81	48-50 HIGH ST	CHASE, LYNNE & MALONEY JR, JAMES A		427 BELCHERTOWN RD	AMHERST, MA 01002
14B-79	54 HIGH ST	FRIMAN, IRWIN & LAUF, LESLIE A		76 FEARING ST	AMHERST, MA 01002
14B-89	55-57 HIGH ST	TANCREDI, ROBERT J	TANCREDI, KATHERINE P	57 HIGH ST	AMHERST, MA 01002
14B-80	65 HIGH ST	BOUVIER, MARGARET M		65 HIGH ST	AMHERST, MA 01002
14B-77	70 HIGH ST	MCCOMAS, DIX & SELIGMAN, LINDA TRUSTEES		70 HIGH ST	Amherst, MA 01002
14B-91	73 HIGH ST	SACCO, SANDRA		73 HIGH ST	AMHERST, MA 01002
11D-119	86 HIGH ST	SALWEN, NATHAN	MORRELLO, SUSAN	86 HIGH ST	AMHERST, MA 01002
11D-120	92-94 HIGH ST	RBABB REALTY LLC		37 COLES MEADOW RD	NORTHAMPTON, MA 01060
11D-121	100 HIGH ST	SCHREIBER, STEPHEN & THURBER, JANE C		100 HIGH ST	AMHERST, MA 01002
11D-216	TAYLOR ST	AMHERST PELHAM REG SCHOOL DIST		CHESTNUT ST	AMHERST, MA 01002
14B-15	35 TAYLOR ST	LENNON, ELISE JANE		35 TAYLOR ST	AMHERST, MA 01002
11D-105	36 TAYLOR ST	REYNOLDS, CHRISTOPHER & DEBORAH GREENE		324 NO LEVERETT RD	LEVERETT, MA 01054
11D-118	56 TAYLOR ST	LUKAS, HENRY G & LUKAS, PATRICIA E		56 TAYLOR ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/State/Zip</i>
14B-74	62 TAYLOR ST	VERCLAS, KATRIN		62 TAYLOR ST	AMHERST, MA 01002
14B-80	65 TAYLOR ST	GLACE, ANDREW J H		65 TAYLOR ST	AMHERST, MA 01002
14B-75	70 TAYLOR ST	HARBISON, SHERRILL		70 TAYLOR ST	AMHERST, MA 01002
14B-76	74-76 TAYLOR ST	LANGLEY REALTY TRUST	C/O KENDRICK PROPERTY MNGMT INC	1185 NORTH PLEASANT ST	AMHERST, MA 01002
14B-78	79 TAYLOR ST	TZENG, YOU PAN & HAN, SUSAN S	C/O EAGLE CREST PROPERTY MNGMT	55 NORTH PLEASANT ST	AMHERST, MA 01002